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JUL 13 2011

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____

Receipt No. CG93555
(For Department Use Only)**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**Name of Seller/Lessor King Hill Irrigation District Phone _____Mailing address PO Box 428, King Hill, ID 83633 Email _____**A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK**

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-21959</u>	_____	_____	_____ to _____
<u>21595</u>	_____	_____	_____ to _____
	_____	_____	_____ to _____

Total Amount: ALL

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. Total Acres _____

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
 If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.

2. Is the water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒
 If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

See attached description.

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

37-4112

3. Will the present place of use continue to receive water from any source?

Yes ☒ No ☐

If yes, describe. Lands within King Hill Irrigation District will continue to receive water pursuant to 37-4112.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale ☐ or lease ☒.

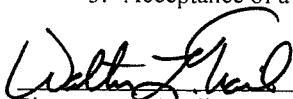
If Lease, for a period from 3/1/2012 to 10/31/2017 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the Idaho Water Resource Board. Include the method of determining the minimum payment if other than the current rental rate. current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.


Signature of Applicant

Walter L. Trail - Chairman KHID
Printed Name and Title*

July 5, 2011
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21595

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho MAY 28 2010 By _____ Clerk Deputy Clerk

NAME AND ADDRESS: KING HILL IRRIGATION DISTRICT
PO BOX 428
KING HILL, ID 83633

SOURCE: MALAD RIVER TRIBUTARY: SNAKE RIVER

Point of injection into and points of redirection from the Snake River

QUANTITY: 70.00 CFS

PRIORITY DATE: 04/01/1909

POINT OF DIVERSION: TOSS R10E S12 LOT 7 (NESE) (Rediversion) Within Gooding County
S28 LOT 7 (SWNW) (Rediversion)
TOSS R11E S09 LOT 6 (NWSW) (Rediversion)
R12E S12 LOT 7 (NWSW) (Rediversion)
R13E S27 LOT 2 (SWSW) (Injection)
S35 NENW

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
03-01 TO 10-31

QUANTITY
70.00 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

11573 ACRES TOTAL

The boundary encompassing the place of use of this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary. Place of use is within the boundary of the King Hill Irrigation District pursuant to Section 43-323, Idaho Code. Right Nos. 37-4112 and 37-21595 are limited to the irrigation of a combined total of 11573 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

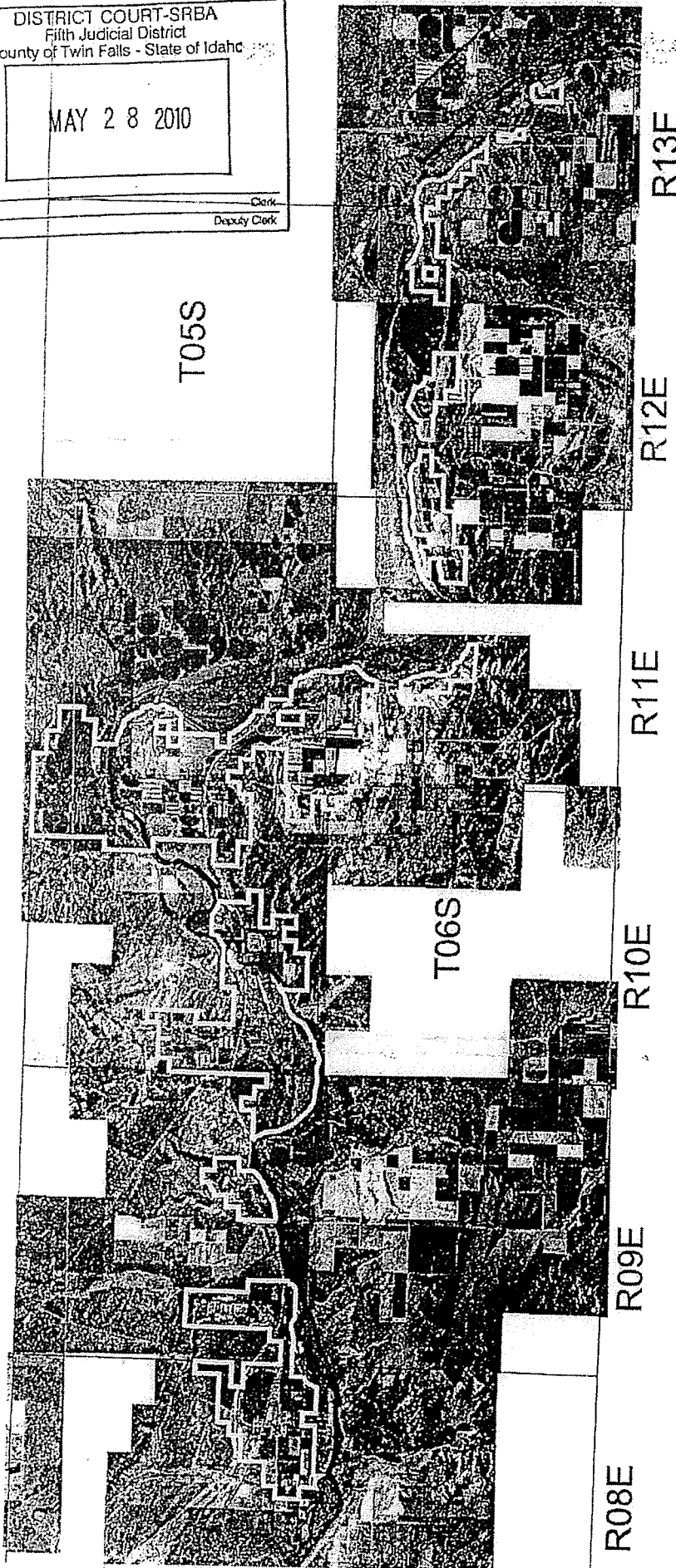
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DEPARTMENT OF
WATER RESOURCES

37-4112 & 37-21595 - King Hill Irrigation District Service Area

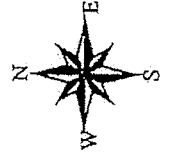
DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

MAY 28 2010

By _____
Clerk
Deputy Clerk



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JUN 01 2010
DEPARTMENT OF
WATER RESOURCES



T05S R08E, T05S R09E, T05S R10E & T05S R11E
T06S R08E, T06S R09E, T06S R10E, T06S R11E, T06S R12E & T06S R13E

Map prepared by: Carter Fritschle
Date prepared: 10/20/05 - Revised 05/22/08
1987-1988 NAPP photography
Idaho Department of Water Resources

Irreparable damage to the inverted siphon extending from the diversion flume, across Snake River, to the main canal of the District, which occurred in 1978, has necessitated construction of four pumping stations to pump water from Snake River. The original point of diversion is retained, and by agreement with Idaho Power Company the water is diverted at the original point of diversion and used to generate electrical power at the Lower Malad power plant of Idaho Power Company. After passing through the generating facilities of Idaho Power Company, the water is discharged into the Snake River and thence carried in the natural channel of Snake River to the pumping stations located at the points described in the original claim and Transfer No. 2315. By reason of the provisions in Idaho Code § 42-105, King Hill regards this procedure as turning its water into the channel of another stream, mingling the water, and then reclaiming the water at the pump stations, so long as the water is diverted through the Lower Malad power plant of Idaho Power Company.

At such times, if any, as water is not being diverted through the Lower Malad power plant, the pumping stations are regarded as primary points of diversion.